

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2605 OF 2018

Ajit Jotiram Bedge and anr. : Petitioners.
Versus
Ajay Sanjay Chavan and anr. : Respondents.

**ALONG WITH
CRIMINAL WRIT PETITION NO.2608 OF 2018**

Sanjay Bhupal Chavan and anr. : Petitioners.
Versus
Ajit Jotiram Bedge and anr. : Respondents.

Mr. D B Shinde for the Petitioners in Writ Petition No.2605 of 2018 and for the Respondent No.1 in Writ Petition No.2608 of 2018.
Mr. N M Wable for the Petitioners in Writ Petition No.2608 of 2018 and for the Respondent No.1 in Writ Petition No.2605 of 2018.
Mr. R M Pethe, APP for the Respondent/State.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 18th JULY 2018

P.C.

1 The above Writ Petitions have been filed for quashing of the FIR being No.0192 of 2018 registered with Tasgaon Police Station, Sangli registered on 19/04/2018 for the offences punishable under Sections 326, 323, 504, 504, 34 of the Indian Penal Code (subject matter of Writ Petition No.2605 of 2018) and the FIR being No.0191 of 2018 registered on the same date with the same police station for the same offences (subject matter of Writ Petition No.2608 of 2018).

2 The said FIRs have been registered on account of the incident which took place on 18/04/2018 involving the above two sets of Petitioners. The first informants in both the aforesaid FIRs, through the respective advocates, have filed identical affidavits in the above Writ Petitions giving their no objection for quashing of the FIRs in question.

3 The first informant in FIR No.0192 of 2018 has filed an affidavit dated 18/07/2018 affirmed before A.R. Kapadnis, Advocate & Notary having his office at Opp. MSEB Office, Kharghar, Navi Mumbai and bearing notarial registration No.5301 of 2018. In the context of the above Writ Petition No.2605 of 2018 paragraph 3 of the said affidavit is material and is reproduced herein under :-

“3 The Respondent No.1 further states that, under the misunderstanding the present FIR has been lodged by the Respondent No.1 against the Petitioners. The Respondent No.1 further state that, as the matter has been settled between the parties and therefore for the interest of justice and end of justice, it is necessary to quash or cancelled the above said FIR lodged against the petitioner and therefore by way of present affidavit the Respondent No.1 gave free consent for quashing of FIR No.0192/2018 registered on 19th April 2018 with Tasgaon Police Station, for alleged offences under sections 326, 323, 504, 506, 34 of the Indian Penal Code against the Petitioners.”

3 The first informant i.e. the Respondent No.1 in Writ Petition No.2608 of 2018 has also filed an affidavit which as indicated above is identical to the affidavit filed by the Respondent No.1 in Writ Petition No.2605 of 2018. Paragraph 3 of the said affidavit is pari-materia except the FIR No. which is 0191 of 2018.

4 The first informant i.e. the Respondent No.1 in Writ Petition No.2605 of 2018 and – Ajay Sanjay Chavan is personally present in Court. He is identified by the learned counsel Shri N M Wable. He is also identified by his Aadhar Card bearing No.321080674256. When put in the box and queried, he states that he has read and understood the contents of the affidavit which has been tendered across the bar by his learned counsel today. He further states that in view of the settlement between the parties, he does not desire to proceed with the FIR in question. He lastly states that he has filed the said affidavit of his own free will and volition.

5 The first informant i.e. the Respondent No.1 in Writ Petition No.2608 of 2018 and – Ajit Jotiram Bedge is personally present in Court. He is identified by the learned counsel Shri D B Shinde. He is also identified by his Aadhar Card bearing No.890633992987. When put in the box and queried, he states that he has been read over and explained the contents of the affidavit which has been tendered across the bar by his learned counsel today. He

further states that in view of the settlement between the parties, he does not desire to proceed with the FIR in question. He lastly states that he has filed the said affidavit of his own free will and volition.

6 Since amongst the offences alleged is one punishable under Section 326 of the Indian Penal Code. We have perused the FIRs in question and we find that the assault is by fists and kicks, and the injury is not such that would come in the way of this Court from considering the above Writ petitions for quashing of the FIRs in question by consent.

7 Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr reported in (2012) 10 SCC 303 and Narinder Singh & ors v/s. State of Punjab & Anr reported in 2014 AIR SCW 2065, no useful purpose would be served in keeping the FIRs pending. The Petitioners are neighbours and it would be in the interest of there being cordiality between the neighbours, that it is necessary for this Court to exercise its powers under Article 226 of the Constitution of India for quashing of the FIRs in question.

8 The above Criminal Writ Petitions are therefore required to be allowed and are accordingly allowed and made absolute in terms of prayer clause (a). The two sets of Petitioners to deposit costs of Rs.5,000/- making a

total of Rs.10,000/- with the State Legal Aid Fund within six weeks from date.
Receipts to be obtained and filed in the Registry of this Court. The above
Criminal Writ Petitions are accordingly disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]